

MOYLAN & VANDEVELD
Counselors At Law
Union Bank Bldg., Suite 215
194 Hernan Cortes Avenue
Hagåtña, Guam 96910
Telephone: (671) 472-2863
Facsimile: (671) 472-2886

Attorney for plaintiff: GOLAM R. SARKER

FILED
DISTRICT COURT OF GUAM
OCT 11 2002
MARY L. M. MORAN
CLERK OF COURT

8

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

GOLAM R. SARKER,

Plaintiff,

vs.

HYATT REGENCY GUAM, MIHIR
ROUT, and DOE OFFICERS 1 through 10,
Defendants.

Civil Case No. 02-00023

**MOTION TO ENLARGE TIME
TO FILE PROPOSED
SCHEDULING ORDER AND
PROPOSED DISCOVERY PLAN
WITH MEMORANDUM OF
POINTS AND AUTHORITIES
and STATEMENT OF
NON-OPPOSITION BY
DEFENDANTS**

COMES NOW plaintiff, GOLAM R. SARKER, through counsel of record, MOYLAN & VANDEVELD, P.C., Curtis C. Van de veld, Esq., to move the court to enlarge time for good cause shown the time for plaintiff to file his Proposed Scheduling Order and Proposed Discovery Plan for a period of an additional forty-five (45) days such that the Proposed Scheduling Order and Proposed Discovery Plan will be due on Thursday December 05, 2002.

*** * MEMORANDUM * ***

The record of this matter was filed on August 07, 2002. The Proposed Scheduling Order and Proposed Discovery Plan is due October 21, 2002. Attorney Curtis C. Van de veld, the undersigned is the trial counsel of this matter and the responsible

attorney to file the Proposed Scheduling Order and Proposed Discovery Plan. On September 25, 2002, Defendant's counsel received information from family in California that his mother's terminal health condition has worsened significantly and no further treatment is available to alter the course of the illness. The manifestations of the effects of the illness and the medications given to relieve the pain of the illness are such that counsel's mother's condition is declining in her ability to comprehend and remember. Counsel desires to leave Guam for a period of three weeks as soon as possible to allow both himself and his family to spend time with his mother before her condition deteriorates further and her ability to comprehend and remember is completely failed.

Due to the substantial change in the health of the mother of plaintiff's counsel, said counsel desires to leave as soon as possible to see his mother in failing health while she maintains an ability to comprehend and remember those around her.

Because no one else is familiar with this case, the burden to become familiar with the case and proceed will place a substantial burden on anyone else who may be asked to prepare the Proposed Scheduling Order and Proposed Discovery Plan in counsel's place and stead. It is therefore, most fair to the client, plaintiff, that his trial counsel prepare the Proposed Scheduling Order and Proposed Discovery Plan and that time be enlarged to permit said counsel to travel as he desires under these circumstances.

Based on FRCP Rule 6, counsel requests enlargement of time to fulfill his pretrial obligations.

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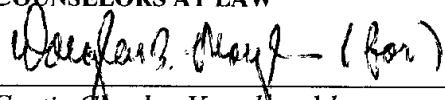
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CONCLUSION

The court should enlarge time for Plaintiff to file his Proposed Scheduling Order and Proposed Discovery Plan for a period of forty-five (45) days until Thursday December 05, 2002.

DATED: this 8th of October 2002.

MOYLAN & VANDEVELD
COUNSELORS AT LAW



Curtis Charles Van de veld, esq.
Attorney for Plaintiff
GOLAM R. SARKER

NON-OPPOSITION BY DEFENDANTS
HYATT REGENCY GUAM, MIHIR ROUT, and DOE OFFICERS 1 through 10,
CALVO & CLARK, LLP:

COMES NOW Defendants, HYATT REGENCY GUAM, MIHIR ROUT, and DOE OFFICERS 1 through 10, through the office of CALVO & CLARK, LLP, by Michael A. Pangelinan, Esq., to state that the defendants do not oppose this request for enlargement of time.

CALVO & CLARK, LLP
Michael A. Pangelinan, Esq.

By: 

Mr. Michael A. Pangelinan, Esq.
CALVO & CLARK, LLP

CCV/gpr
GRSARKER/CV001460

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GOLAM R. SARKER, Plaintiff, vs. HYATT REGENCY GUAM, MIHIR ROUT, and DOE OFFICERS 1 through 10, Defendants  
Civil Case No. CV02-00023

**MOTION TO ENLARGE TIME TO FILE PROPOSED SCHEDULING ORDER AND PROPOSED  
DISCOVERY PLAN**

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